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66307-291-7

JUN 2 7 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	PATENT
Anthony Fred MERCURIO et al.	GROUP: 1712
Serial No.: 10/702,041	EXAMINER: METZMAIER, Daniel S.
Filed: November 6, 2003	CUSTOMER NO. 25269
AFROSOL DELIVERY SYSTEM	CONFIRMATION NO. 7411

* * * * * * * *

DECLARATION UNDER 37 CFR §1.131

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

We, Anthony Fred Mercurio and Derek Alfred Wheeler, hereby declare and state as follows:

- We are the named co-inventors of the invention described and claimed in the above-identified U.S. patent application.
- 2. We have received and reviewed the Office Action of December 14, 2005 and have noted that examiner's rejection of claims 1-11 based on U.S. Patent No. 6,881,757 to Moodycliffe et al.
- 3. With respect to the examiner's rejection of claim 9, which is directed to the inventive aerosol composition as a polish, an air freshener, a repellant, a pre- or post-shave preparation, a shaving preparation, or a follicle softener, we assert that we invented this subject matter prior to

P.04/04

November 8, 2002, which is the effective date of the Moodycliffe et al. patent.

4. With respect to our statement in the foregoing paragraph, we attach copies of pages from our laboratory notebook kept in the normal course of our employment which shows that we created a biliquid foam polish formulation as early as September 14, 2001 (see documents 100-53, 100-55, 100-86, 100-87, 100-88, 100-89), an insect repellant formulation as early as March 21, 2002 (see documents 100-178, 100-224), a biliquid foam after-shave formulation as early as December 13, 2001 (see document 100-109), a biliquid foam shave formulation as early as September 8, 2002 (see documents 100-179, 100-225), a biliquid foam shave or furniture polish formulation as early as December 12, 2001 (see document 100-110), and a biliquid foam air freshener formulation as early as March 21, 2002 (see documents 100-179, 100-225).

We furthermore declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

P.02/04

Serial No. 10/702,041 Doc. # 66307-291-7

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Anthony Fred Mercurio

Date

Derek Alfred Wheeler

16/06/06

Date

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of Land Co.		amount of promote->		40	<in grams<="" th=""><th></th></in>	
Elk.iquid Foam	er tak	95	9			
Innerel oil	SC Johnson	49.10		7.858		
200 fiuld 100cts	Dow Coming	20.00	3.00	3.2		
200 fluid 1000cts	Croda	20.00	8.00	32		
Laureth 4	House	0.90		0.144		
156SLES in HOH	House	10,00	4.00	1.6	0.016	1,584
		100,00	40.00	16	0,010	1 CONTY
Working	Amount>	100.001				
1% Carbomer	8.00	100.00				
bi figuid foam	40.00	8.00				
		40.00				
phenonip	0.05	0.05				
nanh	0.53	0.53				Ingredient Ewiw
Water	51 42	51.42				Water 63.25
	100,00	100,00				Carborner 6,08
Formula 100-6-1						Mineral cil 19.84
Water	81,20					PDMS 100 ets. 8 00
Carbomer	0.20					PCMS 1000 cis. 8 00
Mineral cit	9.82					Laureth-4 0.36
PDMS 100 cts.	4,00					
POMS 1000 cts.	4.00					
						preservative 0.05
Laureth-4	018					[TEA 0.53]
SLES	0.02					Fragrance 0.05
oreservative	0.05					Tate! 1,00 GG
NaCH	0.53					The state of the s
	100,00					
Project Promise	100-33-2					
					40%	
		amount of product-		***		
8FLiquid Foam			_	er)	<in grams<="" td=""><td>•</td></in>	•
Mineral of	SC Johnson	*5	g	14 50		
		49,10	18,64			- C. 1. 2
200 fluid 100cts	Daw Corning	20 00	8.00	3.2		V:
200 fluid 1000cts	Croda	30.00	8.00	3.2		***
Alkowiated Fatty Alcoh-	House	0.90	0.36	0,144		
1%SLES in HOH	House	10.00	4.00	1.6	0015	1.584
		100 00	40.00	1:3		
	Amount->	100,001				
1% Carbonter	a an "	00.5				
or hawks tream	40.00	40.00				
ohenomp	0.05	0.06				
9600	0 53	3.50			r	Ingredient %w/w
Water	51.42	51 41			ì	Water 63.25
MACLENE, This Grown Class Price Control Co.	100.00	or peace and programmed a constitution of the			ì	
Formula 100-8-1	1500	100.00			}	Carbonner 0.00
Water	***				ļ	Miperal oil 3 64
Cartainer	31.20				1	PDMS 100 cts. 3 00
	9.20					PDMS 1000 cts. 8 00
Microcal od	9.82					Laureth-4 G 36
POMS 100 pts.	4.00				1	Alkasylated Faity Alach 0.04
POMS 1000 etc.	4.00				Ī	preservative 3.05
Laureth-6	0 18				Ī	TEA 0.52
Alkunylated Fathy Alcoh-	0.02					Fragiance 0.35
preservative	0.05					Total 100.00
NaOH	0.53				£	1 1555 053
	20,000					
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			13	3 32 3		7 Table 1 Tabl
			3		11.11	Harris Marie M
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Officer comment of out in comment (Western)

	8)-Liquid Foam Mineral oil 200 fluid 190cts 200 fluid 1000cts Laureth-4 1%Alkoxylated Fatty Alcohol(eq)	Klearol Dow Coming Dow Coming House House	80.00 2.00 2.00 2.00 0.85 9.43 94.28	84.85 2.12 2.12 8.90 10.00 109.00	424,29 10.61 10.61 4.50 50.90 500,00	500
9/18	% ip formula Standard Formula Water Carboner/ T. A. A. Mineral oil / A. DC-200 fluid 100cts DC-200 fluid 100cts Laureth-4 Ethoxylated/Propoxylated fatty Alcohol Fhenonip Total	94.28 14.93 0.08 80.00 2.00 0.85 0.09 0.05		bapal 980/TEA ld Foem	1,67 4,00 94,28 9,05 100,00	500 8.35 20.00 471.40 0.25 500.00
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Project Promise 100-86

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BI-Liquid Foam Mineral oil SAFTS SCJohnson 20cTs Laureth 4 1% SLES(eq)	SC Johnson SCJ House House	.Amount in Formula 10,000 7,000 0,172 1,908 19,080	% in Foam % 52.41 36.69 0.90 10.00	9 62.89 44.03 1.08 12.00 120.00	120,000 *: Şianis
		10.000	,		

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		500.000
Working	Amount—>	40.000
1% Carbomer/TEA	19.080	95,398
Si-Liquid foam phenonip	0.050	0.250
DC AF	1.900	5.000
Water	71,870	359.352
**************************************	100,000	500,000

Ingredient	%www.
Water	61.949
Carbomer	0.080
Mineral oil	10.000
PDMS 20 cts.	7.000
Laureth-4	0,172
SLES	0.019
preservative	0.050
ITEA	. 0.530
DC AF	0.200
Total	100.000

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220,000 <-in grams

Project Promise

100-87

		Amount in Formula
8I-Liquid Foam		
Mineral oil :	SC Johnson	30,000
SCJohnson 20cTs	SCJ	7,000
Laureth 4	House	0.374
1% SLES(aq)	House	4,153
. co a description of		41.526

41,52537486

Working	Amount->	500,000
1% Cerbomer/TEA	8.000	40.000
Si-Liquid foam	41,526	207.632
phenonio	0.050	0.250
DC AF	1,000	5,000
Water	49.424	247.118
	100 000	500,000

Ingredient	%w/w
Water	61.725
Carbomer	0.080
Mineral oil	30.000
PDMS 20 cts.	7.000
Laureth-4	0.374
SLES	0.042
preservative	0.050
TEA	0.530
DC AF	0.200
Total	100,000

158.94 37.08 1.98 22.00 220,00

% in Form smouth of product→

% 9

72.24 158.94

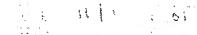
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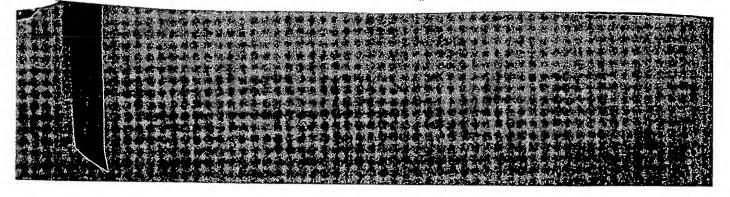
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100-88

		Amount in Formula	% in Form	amount of product>	280,000 < in grams
5l-Liquid Foam			%	g	
Mineral oil-Klearol(Witco)	SC Johnson	40.000	75.83	212.32	
SCJohnson 20cTs	SCJ	7.000	13.27	37.16	
Laureth 4	House	0,475	0.90	2.52	
1% SLES(ag)	House	5.275	10.00	28,00	
		52.750	100.00	280.00	

52.74971942 <-- Calculation

Working	Amount>	500.000
1% Carbomer/TEA	3.000	40.000
Bi-Liquid foam	52,750	263,749
phenonip	0.050	0.250
DC AF	1.000	5.000
Water	38.200	191,002
	100 000	500.000

Ingredient : '	%vitw
Water	51.612
Carbomer	030.0
Mineral oil	40,000
PDMS 20 cts.	7.000
Laureth-4	0.475
SLES	0.053
preservative	0.050
TEA	0.530
DC AF	0.200
Total	100,000

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100-89

		Amount in Fermula	% in Four	mean of protes->	330.000 <-in grams
5I-Liquid Foam			%	g	
Mineral oil-Klearol(Wilco)	SC Johnson	50,000	78.16	257.92	
SCJohnson 20cTs	SCJ	7,000	10.94	36.11	
Laureth 4	House	0.576	0.90	2.97	
1% SLES(au)	House	6.397	10,00	33.00	
110 0000		63.973	100.00	330.00	

83.97306397 --- Calculation

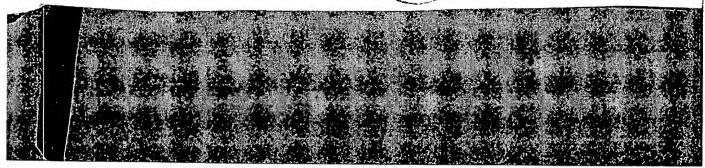
Working	Amount->	500.000
1% Carbomer/TEA	6.000.8	40,000
· Bi-Liquid foam	63.973	319.865
phenonip	0.050	0.250
DC AF	1,000	5.000
Water	26,977	134.885
12 27 27 27 27 27 27 27 27 27 27 27 27 27	100,000	600,000

Ingredient	%wiw
Water	41,500
Carbomer	0.080
Mineral oil	50.000
PDMS 20 cts.	7.000
Laureth-4	0.576
SLES	0.964
preservativa	0.050
TEA ,	0.530
DC AF	0.200
Total	100,000



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Spray DEST

100-173				
	Formula Amount	% In Foam	Amount->	190
CEET	6,000	33.41	63.48	
Triphenysmethicone	5.000	27.84	52.90	
Octyl Siearate	5,000	27.84	52.90	
PEG-30 Castor Oil	0.162	0.90	1.71	
1%SLES(au)	1,796	10.00	19.00	
	17.967	100,00	190.00	
17,95785129				
Standard Formula	*	00.0001		
Water	76,443	764.43		
1% Ultrez	5.000			
Tkanium Dioxide	0.500	5.00		
PA	17,957	179.57		
Ispaid Germail Plus	0.100	1 00		
Total	100,000	1000.00		

2016

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Carronal Carlos 100-224 DEET Creamy Lotton Formula Amount Amount(g) 150.00 % in Formula % in Foam Isopropyl Mristate DEET Protomeen 5.00 18.56 27.84 SCJ ISP 10.00 37,13 55.89 Difsopropyi Adipate 4.00 14,85 22.28 DC 245 Dow Coming 5 00 18.56 27.84 PEG 35 Caster Oil Crosa 0.24 0.90 1,35 SLES Cognis 2.89 10.00 15.00 26.94 100.00 150.00 26.938 0.24 Manufacturing % Amount-> 600.00 Water 70.0A 350,320 Crothix Liquid Croda 1.00 5.000 Sepigel Seppic 1.50 7 900 Liquid Germall Plus lsp 0.50 2,500 Bi-Liquid Foam 25,94 134.680 100,00 .500.000

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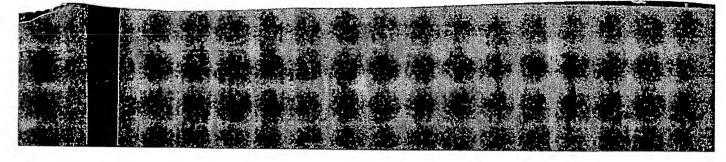
100-109 Alcohol After Shave Lotic	on(SC-I)				
ACOIDI AILEI SIIAVE LOGI	J.1.(000)	Formula Amount	% in Foam	Amount>	120
Caprylic/Capric Triglycerid	e	3,000	21.38	25.66	
Diisopropyl Adipate	•	4.000	28.51	34.21	
Gransil BBW-5		2.000	14.26	17.11	
DC200-5cTs		2,000	14.26	17.11	
Fragrance(red Rasberry)		1.500	10.69	12.83	
Peg 25 Hydrogenated Cas	tor Oil	0.063		0.54	
Peg 30 Castor Oil	(6, 6,	0.063		0.54	
Water		1.403	10.00	12.00	
Marci		14.029	100.00	120.00	
	14.0291807				
	(-).023		Amount->	500	
Water		37.221	186.10		
2% Ultrez/TEA		16.000	80.00)	
Denatured Alcohol		20.000	100.00)	
Glycerin		2.000	10.00)	
Allantion		0.250) 1.25	5	
2% Xanthan Gum		10.000	50.00)	
Hydrolyzed Oat Protein		0.500	2.50)	
PA	**************************************	(14.029	70.15	<u>.</u>	
	the state of the s	100.00	500.00	7	

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100-211 Shave Product Prototype

Formula Amount	% in Formula	% in Foem	Amount->	100.00
faopeniane	10.000	89,100	29,10	
Olath-2	0,101	0.900	0.90	
1% SLES/Water	1,122	10 000	10,00	
	11,223		100.00	
11,223		, 40	100.00	
Alanulacturing			500.00	
Violar	38,477	182,383		
Carbopol Aqua SF-1/TEA	7 000			
Disadium Lawyi Sulfusiccinete	24,508	122,500		
Antononium Coccyi Isothicnate	2,500	12.500		
Glyperin	4 000	20,000		
Coccamidopropyi Betaine	5 700	28 500		
Aremonrum Lauryi Sulphote	8 100	48 500		
8-Liquid Foam	11 223	.58 117		
Liquid Germall Plais	0.500	2,500		

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Standard Formula	%
Water Vantage	9.90
Isododecane	69.10
IBYK-LP X 20191 Silicon	20.00
L	0.90
Laureth-4 ISI ES	0.10
DLED	
Total	100.00



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100-245

Objective is to get Fragrance into water phase and have an ingredient prevent the migration of fragrance to the Isopentane

Bi-Liquid Foam Reference 100-225(9/9/2002)

Formula Amount Ingredient Fragrance PEG 35 Castor Oil	Trade Name Fragrance Etocas 35	Supplier SCJ Croda	% in Formula 0.3000 0.0030	% in Foam 89.100 0.900	Amount(g) 150.000 133.650 1.350
1%SLES(Aq)	Standopol-ES 2	Cognis	0.0337	10.000	15.000
0.33	7		0.3367 0.0030	100.000	150.000

Manufacturing			M	a	n	u	1	а	C	tı	11	i	n	£	1
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Ingredient	Trade Name	Supplier	Formula %	Amount->	60.000
Water	Water	House	89.6633	53.798	
Bi-Liquid Foam	Bi-Liquid Foam	House	0.3367	0.202	
Polyquaternium-11	Gafquat 755N	ISP	5.0000	3.000	
Isopentane	Isopentane	Triple Crown	5.0000	3.000	
			100,0000	60.000	

Procedure for Bi-Liquid Foam is standard as pertains to patent.

Procedure. Mix water Quat-11/add Bi-Liquid Foam mix/add Isopentane mix.

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100-179 SCJ Room Freshaner

	Fo	ormula Amount	% in Foam	Amount
SCJ Fragrance		0.300	89.10	8.91
Laureih-4		0.003	0.90	0.09
1%SLES(Ag)		0.034	10.00	1.00
	-	0.337	100,00	10.00
	0.336700337	0,003		
			Amount->	1000
Water		70,493	704.93	
2% Corborner 980/TEA		2.670	26.70	73.16
Propelient		26.500	265.00	0.24
PA		0,337	3.37	26,50
	apre-	100.000	1000.00	100.00

Standard Formula	*
Water	73.14218
Carborner	0 05340
TEA	0.001100
Fragranca	0.30000
Laureth-4	0,00300
SLES	0.00034
Propellent	26.50000
Total	100.00000

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R. L. Down tonerance

100-225 Fragranca-Room Frehener

Fo	rmula	Amount

Fragrance PEG 35 Caster Oil	IFF Croda	% in Formula 10.00 0.10	% in Foam 69 10 0.90	Amount(g) 160,00 133,65 1,35
SLES	Cognis	1.12	10.00	• 15.00
11.223		11.22 , 0.10	100,00	150,00







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